

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA)
Plaintiff,) 3:06-cr-0049-LRH-RAM
v.)
PAUL S. JENSEN,) ORDER
Defendant.)

Before the court is defendant Paul S. Jensen’s (“Jensen”) motion to show satisfaction of restitution. Doc. #87.¹ The United States filed an opposition to the motion. Doc. #88.

I. Facts and Background

On October 26, 2006, Jensen entered a plea of guilty to attempting to evade and defeat an assessment of income tax in violation of 26 U.S.C. § 7201. Doc. #73. On October 16, 2007, Jensen was sentenced to eight (8) months incarceration and restitution in the amount of \$200,970.00. Doc. #82. After reaching a separate satisfaction of tax assessment debt with the Internal Revenue Service, Jensen filed the present motion for satisfaction of restitution. Doc. #87.

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¹ Refers to the court's docketing number.

II. Discussion

In his motion, Jensen contends that the separately reached Offer in Compromise constitutes a satisfaction of his outstanding tax obligations, and therefore, the court should issue an order that Jensen has satisfied the \$200,970.00 restitution amount. *See Doc. #87.* The court disagrees.

The order of restitution was issued as part of Jensen's punishment and cannot be compromised by the Internal Revenue Service in a separately negotiated Offer in Compromise as the IRS was without authority to compromise the amount of restitution. *See 26 U.S.C. § 7122(a)* (stating that once a matter has been referred to the Department of Justice for criminal prosecution, only the Secretary of the Department of Justice or the Attorney General, or his delegate, may compromise any amount of restitution); *see also, Faust v. United States*, 101 F.3d 675 (Fed. Cir. 1996). Therefore, the court finds that defendant Jensen has not satisfied the amount of restitution and shall deny his motion accordingly.

IT IS THEREFORE ORDERED that defendant's motion to show satisfaction of restitution (Doc. #87) is DENIED.

IT IS SO ORDERED.

DATED this 28th day of January, 2013.

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE